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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,263	03/08/2004	Laurie A. Gallagher	H0005976	2374

7590 09/24/2008  
Honeywell International, Inc.  
Patent Legal Services  
101 Columbia Road  
Morristown, NJ 07962

EXAMINER
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MRUK, BRIAN P

ART UNIT	PAPER NUMBER
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1796

MAIL DATE	DELIVERY MODE
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09/24/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/796,263	<b>Applicant(s)</b> GALLAGHER ET AL.	
	<b>Examiner</b> Brian P. Mruk	<b>Art Unit</b> 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-25 and 27-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 6-25 and 27-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This Office action is in response to Applicant's remarks filed June 23, 2008. .  
Currently, claims 1, 3, 4, 6-25 and 27-44 remain pending in the application.
2. The text of those sections of Title 35 U.S. Code not included in this action can be found in the prior Office actions, Paper Nos. 20060616, 20061206, 20070417, 20071205, and 20080314.
3. The rejection of claims 1, 3, 4, 6-25 and 27-44 under 35 U.S.C. 103(a) as obvious over Mitra et al, U.S. Patent No. 6,673,761, is maintained for the reasons of record.
4. The rejection of claims 1, 3, 4, 6-25 and 27-35 under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Shannon, US 2003/0168642, is maintained for the reasons of record.
5. The rejection of claims 36-44 under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Shannon, US 2003/0168642, is withdrawn in view of applicant's remarks.

***Response to Arguments***

6. Applicant's arguments filed June 23, 2008 have been fully considered but they are not persuasive.

Applicant continues to argue that Mitra et al, U.S. Patent No. 6,673,761, does not teach or suggest in general a brake dust barrier composition that contains 0.1-5% by weight of at least one film forming compound. However, the examiner respectfully disagrees. Specifically, Mitra et al clearly teaches the inclusion of polymers, such as polystyrenesulfonates, silicones, maleic anhydrides, and acrylates (see col. 13, lines 15-45). Furthermore, the examiner maintains that the adjunct ingredients, such as polymers, taught by Mitra et al would meet the 0.1-5% by weight limitation recited in the instant claims, since it is known in the art that adjunct ingredients, such as polymers, are present in this amount. Also, one of ordinary skill in the art would be able to determine that this amount of a polymer would be used in the compositions disclosed in Mitra et al with routine experimentation. Specifically, Example 6 of Mitra et al contains 90% by weight of water and 4.18-8.05% by weight of the ingredients BARQUAT 425OZ, potassium citrate, EDTA, isopropanol, amine oxide and fragrances. Therefore, these components contribute 94.18-98.05% by weight of the composition, which would leave 1.95-5.82% by weight of adjunct ingredients, such as polymers.

Applicant continues to argue that Shannon, US 2003/0168642, does not teach or suggest in general a cleaning composition that contains the film forming compounds required in the newly amended claims. However, the examiner respectfully disagrees. Specifically, the examiner asserts that Shannon clearly discloses that their compositions

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contain anionic silicone carboxylates (see paragraph 22), which meets the silicone/acrylate copolymer requirement of the instant invention. It is noted by the examiner that an acrylate is a salt of acrylic acid, which is the simplest unsaturated carboxylic acid, and that a salt of a carboxylic acid is a carboxylate. Therefore, it is the examiner's position that the disclosure of anionic silicone carboxylates by Shannon meets the limitations of the instant claims.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian P. Mruk whose telephone number is (571) 272-1321. The examiner can normally be reached on Mon-Thurs (7:00 AM-5:30 PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian P Mruk/  
Primary Examiner, Art Unit 1796

Brian P Mruk  
September 22, 2008

Brian P Mruk  
Primary Examiner  
Art Unit 1796